

TIMOTHY R. GARRISON
California State Bar No. 228105
BRIDGET L. KENNEDY
California State Bar No. 253416
FEDERAL DEFENDERS OF SAN DIEGO, INC.
225 Broadway, Suite 900
San Diego, CA 92101-5008
Telephone: (619) 234-8467
timothy_garrison@fd.org

Attorneys for Mr. Rios

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE WILLIAM Q. HAYES)

UNITED STATES OF AMERICA,)	Case No. 08CR1811-WQH
)	
Plaintiff,)	DATE: September 3, 2008
)	TIME: 9:00 a.m.
v.)	
)	MR. RIOS'S PROPOSED
ANGEL RIOS,)	VOIR DIRE QUESTIONS
)	
)	
Defendant.)	

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY;
PETER MAZZA, ASSISTANT UNITED STATES ATTORNEY; AND
PETER KO, ASSISTANT UNITED STATES ATTORNEY:

Defendant ANGEL RIOS, by and through counsel, Timothy R. Garrison, Bridget L. Kennedy and Federal Defenders of San Diego, Inc., requests the Court's permission to ask the jury panel (or in the alternative, that the Court ask the jury panel) the attached questions, in addition to the Court's standard questions. The attached questions will help ensure a fair trial by allowing further understanding of the potential jurors' backgrounds, possible biases and decision-making abilities and processes.

Respectfully submitted,

/s/ Timothy R. Garrison

DATED: September 2, 2008

TIMOTHY R. GARRISON
BRIDGET L. KENNEDY
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Rios

1 1. The indictment accuses Mr. Rios of smuggling an alien from Mexico into the United States. Many
2 people have strong feelings about smuggling and the laws related to smuggling. Do any of you have
3 particularly strong feelings about this offense? Do any of you have such strong feelings about this offense that
4 these feelings might keep you from being a fair and impartial juror? Does anyone feel they would be unable
5 to or embarrassed if they had to explain to friends, colleagues or family that they voted not guilty in a case
6 involving illegal immigration?

7 2. Does anyone here believe that every person who is driving a car containing an illegal alien in the front
8 assembly must know the person is there? The defense contends that Mr. Rios did not know a person was in
9 the front assembly of the car, does anyone believe that it is impossible that he did not know?

10 3. As a jury member, you may have to take an unpopular decision and defend it—even if that means you
11 have to continue to deliberate away from your friends or family, or that you do not reach a unanimous verdict,
12 even after trying. Some people feel uncomfortable asserting and defending their position in a group, even
13 when they feel strongly about their position. Could you remain firm in your position and refuse to change your
14 verdict even if it is an unpopular one? Could you remain firm in your position even if it meant that you spent
15 more time deliberating away from your friends and family?

16 4. Does anyone here, in their professional life, have to make important decisions that affect other people's
17 lives, such as hiring or firing people on a regular basis? How do you make those determinations? Are they
18 difficult for you?

19 5. Many of the government's witnesses will likely be law enforcement personnel. Would anyone have
20 trouble evaluating those witnesses' testimony the same as all other witnesses? Is there anyone who would tend
21 to give more weight—however slight—to the testimony of law enforcement witnesses simply because they
22 are law enforcement personnel?

23 6. Has anyone here had any experience either with family members, friends or in professional settings
24 dealing with people who have problems expressing themselves? What sorts of experiences have you had?

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FEDERAL DEFENDERS OF SAN DIEGO, INC.

225 Broadway, Suite 900

San Diego, California 92101-5008

Tel: (619) 234-8467 / Fax: (619) 687-2666

Timothy_Garrison@fd.org

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SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE WILLIAM Q. HAYES)

UNITED STATES OF AMERICA,)	Case No. 08CR1811-WQH
)	
Plaintiff,)	
)	
v.)	<u>PROOF OF SERVICE</u>
)	
ANGEL RIOS,)	
)	
Defendant.)	
_____)	

I HEREBY CERTIFY that on September 3, 2008, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the below Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Timothy R. Garrison
TIMOTHY R. GARRISON
California Bar No. 228105
Federal Defenders of San Diego, Inc.
225 Broadway, Suite 900
San Diego, CA 92101
Tel: (619) 234-8467 / Fax: (619) 687-2666
Timothy_Garrison@fd.org

Attorneys for Mr. ANGEL RIOS

SERVICE LIST

United States v. ANGEL RIOS

Case No. 08CR1811-WQH

United States District Court, Southern District of California

Peter Mazza

peter.mazza@usdoj.gov

Efile.dkt.gc2@usdoj.gov

lilian.ruiz@usdoj.gov

Alan E Ferguson

aefergie@bigfoot.com

[Service via CM/ECF]